

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 15

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MICHAEL R. CONBOY,  
DANNY C. SHEDD and ELFIDO COSS, JR.

Appeal No. 2004-1609  
Application No. 09/678,637

ON BRIEF

Before FRANKFORT, STAAB, and MCQUADE, Administrative Patent Judges.

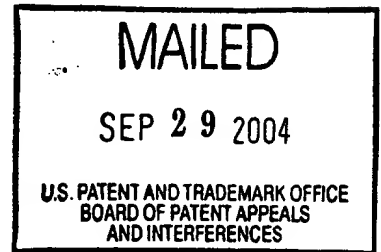
MCQUADE, Administrative Patent Judge.

DECISION ON APPEAL

Michael R. Conboy et al. appeal from the final rejection of claims 16 through 18. Claims 19 through 22, the only other claims pending in the application, stand objected to as depending from rejected base claims, but have been indicated as reciting allowable subject matter.

THE INVENTION

The invention relates to a method for tracking the location of a work piece within a manufacturing facility. Claim 16, which



DISCUSSION

Harada, the examiner's primary reference, pertains to semiconductor processing systems. For purposes of the rejection on appeal, the examiner focuses on Harada's description of a conventional semiconductor processing system wherein semiconductor wafers 7 are transported between wafer processing equipments by a worker or a conveying apparatus (see column 1, line 15, through column 2, line 27; and Figures 1 and 2). As conceded by the examiner (see page 4 in the answer), this conventional system does not meet the limitations in independent claim 16 relating to the data base. To overcome this deficiency, the examiner turns to Sims.

Sims discloses an inventory management system for tracking the locations of devices that are stored in various areas throughout a facility. Although described in terms of healthcare devices such as pacemakers, vital signs monitors and fluid infusion pumps used in a hospital, the system has general applicability to devices used in other facilities such as a manufacturing plant (see column 22, lines 31 through 36). In general,

a network of communication links each of which corresponds to a location is provided, and each device is given a tag that identifies the device with respect to other devices and that is [manually] connectable to

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is representative of the subject matter on appeal, reads as follows:

16. A method of tracking the location of a work piece within a manufacturing facility including a first and second fabrication areas, wherein the work piece is located within the first fabrication area and is to be transferred to the second fabrication area, the method comprising:

providing a database including a location entry for the work piece, wherein the location entry indicates the work piece is located within the first fabrication area;

transferring the work piece from the first fabrication area to the second fabrication area; and

updating the database location entry to indicate the work piece is located within the second fabrication area.

#### THE PRIOR ART

The references relied on by the examiner to support the final rejection are:

Harada et al. (Harada)	4,781,511	Nov. 1, 1988
Sims et al. (Sims)	5,434,775	Jul. 18, 1995

#### THE REJECTION

Claims 16 through 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harada in view of Sims.

Attention is directed to the main and reply briefs (Paper Nos. 10 and 12) and to the answer (Paper No. 11) for the respective positions of the appellants and the examiner regarding the merits of this rejection.

a communication link when the device is disposed at the location to which the link corresponds; each tag that is connected to each communication link is detected, and the location of each device is determined based on the detection [column 1, lines 58 through 66].

Sims also teaches that the monitoring of each communication link is performed continuously to allow the location of a device whose tag is connected to a link to be known at all times (see column 2, lines 40 through 52) and that a database is provided to store information relating each device to its determined location (see column 3, lines 24 through 28).

In proposing to combine Harada and Sims to reject claim 16, the examiner submits that it would have been obvious "to use the database tracking system of Sims with the work piece movement and fabrication system of Harada because knowledge of the exact location of work pieces and products is highly desired information in a production system" (answer, page 4).

As persuasively argued by the appellants, however, the storage tracking system disclosed by Sims, with its manually connectable tags and connection links, does not readily lend itself, either structurally or functionally, to the sort of conventional semiconductor wafer processing system disclosed by Harada. In apparent recognition of this problem, the examiner

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urges that each reference be viewed "in its most simplistic form" (answer, page 5) to justify the proposed combination thereof. This approach, which ignores the actual teachings of the references in favor of their general concepts, clearly embodies an impermissible hindsight reconstruction of the claimed invention.

Hence, notwithstanding the ostensibly broad scope of claim 16, the combined teachings of Harada and Sims are insufficient to warrant a conclusion that the differences between the subject matter recited in this claim and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Accordingly, we shall not sustain the standing 35 U.S.C. § 103(a) rejection of claim 16, and dependent claims 17 and 18, as being unpatentable over Harada in view of Sims.

#### SUMMARY

The decision of the examiner to reject claims 16 through 18 is reversed.



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ROBERT C. KOWERT  
CONLEY, ROSE & TAYON, P.C.  
P. O. BOX 398  
AUSTIN, TX 78767